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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-fourth session

SUMMARY RECORD OF THE 9th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 10 August 1992, at 3 p.m.

Chairman: Mrs. KSENTINI

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The meeting was called to order at 3.15 p.m.

ELIMINATION OF RACIAL DISCRIMINATION (agenda item 5) (continued)

(a) MEASURES TO COMBAT RACISM AND RACIAL DISCRIMINATION AND THE ROLE OF THE SUB-COMMISSION (continued) (E/CN.4/Sub.2/1992/11; E/CN.4/Sub.2/1992/NGO/1)

(b) ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST AND COLONIALIST REGIME OF SOUTH AFRICA (continued) (E/CN.4/Sub.2/1992/12 and Add.1; E/CN.4/1992/8)

1. Mr. DESPOUY said that Mr. Khalifa's report (E/CN.4/Sub.2/1992/12 and Add.1) had demonstrated quite clearly the impact of sanctions on South African policy. It was less clear however what the repercussions of inflation/deflation, net capital outflow to 1990, the shortage of loans and the debt crisis in 1985 had been in the areas of greatest importance to the Sub-Commission, including employment and the incorporation of the black sector in day-to-day working life.

2. The question which now arose was what path the Sub-Commission should follow in the future. It was clear from the report that some highly positive measures had resulted from sanctions and in that connection he had been struck particularly by the change in the position and attitude of the United States of America regarding which the report contained some very important data.

3. The Sub-Commission could not, however, consider that Mr. Khalifa's work was finished. Many years of effort had been required to alert public opinion to the need to adopt specific measures; that momentum had however collapsed and changed direction as a result of some slight changes in South African policy which had not really involved a change in apartheid or in participation by the black population in political life. International pressure seemed to have collapsed both in the West and in some developing countries, including Latin American and even some African countries which had participated in the rather optimistic approach involved in re-establishing diplomatic and commercial ties with South Africa. He recalled that the severing of relations with South Africa in his own country of Argentina had resulted in tremendous political and commercial costs and had been met with considerable reservations on the part of the dynamic sectors of the economy. The question which currently faced the Sub-Commission was how it would be possible to recreate similar measures if the current negotiations in South Africa did not move towards the kind of liberalization that was expected.

4. It was therefore very important that some draft recommendations relating to the report should be made and that guidelines should once again be drawn up for the Sub-Commission's work. Mr. Khalifa was clearly the person best qualified to produce such recommendations. He had already drawn attention in very critical terms to the easing that had taken place in international pressure. It would be important to have some specific ideas as to how pressure could once again be exerted. He therefore urged Mr. Khalifa to make suggestions regarding the areas and directions which the Sub-Commission might consider in the future.

5. Mr. GUISSE considered that the recent statement by President De Klerk had been a masterstroke which he himself welcomed although it had triggered unprecedented violence among the black population. The possible complicity of the South African security forces in the violence could not however be overlooked. Apartheid could not be eliminated by a single speech. The system had been in place for 50 years and a similar period would probably be needed to eliminate it completely. The young had been educated within the apartheid system and all its implications in daily life could not be eliminated at a single stroke from the minds of people who had spent their entire lives under the system.

6. Sanctions had begun to bear fruit but unfortunately the haste of some members of the international community to lift them had undoubtedly delayed the demise of apartheid. The result was that the black population continued to live in uncertainty as to whether the ultimate outcome might be civil war and even the extermination of one or other of the racial groups.

7. In his view, the only policy which would eliminate apartheid lay in pressing the Government of South Africa to provide a framework of national legislation and institutions which could lead to the formation of a truly multiracial society.

8. The legal and political framework must be firmly based on the one-person one-vote principle. All must be able to participate in elections and in the country's economic and social life. Economic, social and cultural rights must be recognized and extended to every South African. There must be equal opportunity for all in the context of the country's economic and social system so that all could enjoy the right to acquire land and enter any trade or profession or the management of any business.

9. South Africa must also think in terms of a social and cultural framework which would lead to the creation of a multiracial society in which each group would contribute to the country's economic and social life in accordance with its own traditions. The protection of the rights of all would be an indispensable element in rescuing South Africa from its current situation.

10. Mr. JOINET said that the issue before the Sub-Commission was the course of action to be followed in respect of Mr. Khalifa's report and updated list (E/CN.4/Sub.2/1992/12 and Add.1).

11. On the question of substance, until a satisfactory solution had been found to the question of recognition of the fundamental right of all to vote, it would not really be possible to talk about the final dismantlement of apartheid; that issue was the key criterion for establishing the point at which the situation finally became clear and irreversible.

12. On the question of methodology, he questioned whether it would be appropriate to maintain the list and he shared Mr. Khalifa's view that it should be discontinued. The list had originally served two purposes; first, as a point of reference, it had been highly valued and used in the press and at meetings with anti-apartheid movements and, second, many countries and companies had been very unhappy to appear on the list. It was his impression that the list no longer served those purposes and many countries and companies

which currently appeared on the list no longer seemed to attach much moral importance to it. The Sub-Commission must also face the fact that economic developments were under way which made it necessary to rethink the report. Certain countries were establishing diplomatic relations and opening up air links with South Africa; the spirit which currently prevailed was different from that at the time when more than a decade earlier the Special Rapporteur had been given his original mandate. The first possibility was that Mr. Khalifa should continue as Special Rapporteur, with a mandate adapted to the new circumstances. Three issues arose in that connection. The first was that the Sub-Commission must ensure that the mandate did not duplicate anything already being done; for example, the Sub-Commission must be careful not to duplicate the work of the Special Committee against Apartheid. Second, the report should be intended primarily for the Sub-Commission and deal mainly with the obstacles that still existed. Those obstacles were both institutional and economic in nature and the effort to remove them would involve a basic reorientation of the goals of the report. A third consideration was whether the Sub-Commission should continue to review its work on an annual and ongoing basis or should postpone a decision until the following year on whether to renew or further adapt the Special Rapporteur's mandate.

13. Taking those three considerations into account, he was in favour of Mr. Khalifa's proposal that the updated list should be discontinued forthwith. Mr. Khalifa should be given a mandate for at least a further year, taking into account the need to avoid duplication and to help the Sub-Commission to identify the obstacles which still existed.

14. Mr. DAODE Zhan expressed his agreement with Mr. Khalifa's observations and conclusions and his admiration for the dedication, courage and attention to detail shown by Mr. Khalifa in his valuable work over the years. That work had involved personal risks as his revelations had clearly alienated certain powerful forces. The achievements of the people of South Africa in their struggle against apartheid were inseparable from the role played by Mr. Khalifa's reports. He hoped that Mr. Khalifa would continue his valuable work in the years to come.

15. Mr. HELLER said that the conclusions reached by Mr. Khalifa regarding the effect of the imposition and recent withdrawal of sanctions were of particular interest. It was clear from paragraphs 74 and 75 of the report (E/CN.4/Sub.2/1992/12 and Add.1) that the effect of trade sanctions had been limited and that their most significant result had been to change the direction of South African trade rather than its composition.

16. In paragraph 78, Mr. Khalifa had stated that economic (and other) sanctions had been part of the process which had forced change in South Africa, but that other factors had also played a role, not the least of which had been the growing opposition to apartheid within the country.

17. Although apartheid continued to persist, events had forced a basic change in the tactics of the South African Government and an irreversible process had begun. A Special Representative of the Secretary-General had been appointed and a United Nations observer mission was to look into the question of possible violations by the security forces during the recent riots.

18. In conclusion, he agreed with Mr. Khalifa's assessment of the list. Sanctions were no longer at the head of the international agenda and had become a matter of form rather than substance. Over the years, however, Mr. Khalifa's reports had facilitated discussion of the question of apartheid in United Nations bodies. The Sub-Commission must continue to deal with the South African question by renewing and reorienting Mr. Khalifa's mandate. What was of primary importance was that non-racial democracy should prevail in South Africa.

19. Mr. BOSSUYT, speaking first on item 5 (b), noted that economic sanctions were a means of applying pressure in order to achieve political change. The threat of economic sanctions was more effective than their actual imposition. He appreciated the realistic approach of the Special Rapporteur, who had concluded that disinvestment moves by foreign companies had had little direct effect on the economy, that the most significant effect of trade restrictions had been to change the direction of South African trade rather than its composition, that since the beginning of 1991, sanctions against South Africa had systematically been eroded and that foreign direct investment was responding more to the uncertainty of the country's political and economic future than to the lifting of embargoes on doing business in South Africa.

20. The goal of economic sanctions was not to ruin the economy of South Africa. It was easier to destroy an economy than to rebuild it. A new Government in South Africa could lead to an immediate change in the attitude of the international community towards South Africa, but it would not be possible to turn a policy of disinvestment into one of investment with equal swiftness. Yet South Africa would need investments to overcome the legacy of apartheid. The drafting of a list of companies still present in South Africa no longer served any useful purpose. It was to be hoped that the political developments in South Africa would soon allow the Special Rapporteur to draft a list of those companies that, through their investments in South Africa, were helping that country to overcome the legacy of apartheid. He supported the proposal to give the Special Rapporteur a new mandate that no longer required him to prepare an updated list.

21. Turning to item 5 (a), he said that there had been an alarming increase in xenophobic and even racist sentiment in Europe, brought about by difficulties in integrating the immigrant population, and greater efforts were therefore necessary to strive to integrate all foreigners in possession of an unlimited residence permit. Every State had a sovereign right to decide its immigrant policy. Thanks to the ease of modern travel and the permeability of borders, more and more people had left their home countries for economic reasons to seek opportunity in richer countries, even though they had not received permission to live there. The illegal status of those immigrants made them more vulnerable to exploitation and human rights violations. The phenomenon had taken on such dimensions in recent years that it had triggered alarming reactions in the indigenous population. The illegal presence of a foreign population made the integration of legal immigrants more difficult and was a breeding ground for xenophobic sentiment.

22. The best remedy would be to reduce economic inequality throughout the world; unfortunately, that would not take place overnight. It was wrong to think that all those who so desired should be allowed to settle in the country of their choice. That did not mean that legal immigration should be stopped; what was needed was a realistic approach.

23. Mr. EIDE congratulated the Special Rapporteur on his report (E/CN.4/Sub.2/1992/12 and Add.1) and drew attention to his long commitment to the issue. He agreed with Mr. Joinet that it was necessary to find a new approach, and to that end the Sub-Commission must identify the problems currently facing South Africa. The international community had played an important role in the period of transition to democracy and political justice in South Africa. Sanctions should be continued, but they should be more selective. A new mandate for Mr. Khalifa might include examining, in the light of the changed situation, what such sanctions might be.

24. Even if the transition to democracy continued apace, South Africa still bore the legacy of a monstrous society based on the exploitation and rejection of large parts of the population. He had visited South Africa in October 1991 to attend a meeting organized by the African National Congress (ANC) and had been able to see for himself the enormous social and economic injustice that still reigned, and he had felt a sense of urgency in the air about the need for comprehensive change. The challenge was to achieve that change without destroying South Africa's economy, and the Sub-Commission should attempt to formulate suggestions with that in mind.

25. Another major problem that South Africa must address was how to achieve social and ethnic peace. The police and security forces were clearly implicated in the recent inter-ethnic violence. The Sub-Commission must identify ways of putting an end to police involvement in such violence, and he supported Mrs. Attah's proposal on that point. In that context, he drew attention to the independent study on violence in South Africa, entitled Agenda for Peace, produced by the International Commission of Jurists, which recommended international monitoring, the transformation of the security forces and a set of gradual steps to achieve peace.

26. Turning to item 5 (a), he said that the findings in paragraphs 8 to 10 of the report of the Secretary-General (E/CN.4/Sub.2/1992/11) on the shifting ideological foundations of contemporary racism had confirmed the results of his own studies. Throughout Europe there had been a reassertion of separate group identity and a reworking of the theory of ethno-nationalism, which contained the following components: nations should be defined in ethnic terms, by reference to a common past, traditions and language; nations so defined should have their own States, so that a society composing a given State should, as far as possible, be congruent with the nation; and loyalty to a nation must override all other loyalties. That thinking was at the root of the incredible violence in the former Yugoslavia, the former USSR and in some third world countries, such as Sri Lanka. Such theories had developed in the intellectual centres of the West and had led to terrorism and a romanticizing about group identity that was exclusive by its very nature and contrary to the ideas of pluralism and coexistence. Much of the ideology of the Khmer Rouge had been developed on the West Bank in Paris.

27. Ms. CHAVEZ, speaking on item 5 (b), thanked the Special Rapporteur for his work over more than a decade.

28. She was convinced that in the not-too-distant future, the political rights of all South Africans would be guaranteed, regardless of race, but until then there would be no effective dismantling of apartheid. It was, however, wrong to assume that once apartheid was abolished, there would be an end to human rights violations or to inter-ethnic violence. Although the South African regime exploited ethnic violence in the current period of transition, at issue were long-standing rivalries, and it would be naïve to assume that South Africa was different from any other country in the world. Even in racially homogeneous groups, violence persisted, as could be seen in the examples of the former Yugoslavia and in Somalia, to name only two cases. It was therefore important to work to ensure that human rights were guaranteed within racial groups even after apartheid was abolished.

29. South Africa must not be so devastated economically that blacks inherited a destitute country unable to provide for its population. Measures taken by the international community must not have the unintended consequence of making life more difficult for South African blacks.

30. She would defer to Mr. Khalifa on whether his reports still served a purpose but even if it was decided not to renew his mandate, the Sub-Commission should continue to give attention to the above-mentioned issues.

31. She reserved the right to speak on item 5 (a) at a later stage.

32. Mr. BOUTKEVITCH said that Mr. Khalifa had produced a careful and well-documented report (E/CN.4/Sub.2/1992/12 and Add.1). But times had changed, and it was necessary to take new developments into account.

33. In his view, sanctions should continue to be applied as long as human rights were violated in South Africa. The political developments in South Africa notwithstanding, statements of intent did not mean that human rights would be respected. Therefore, the question of sanctions must remain the focus of attention for some time to come. There would be no true improvements in the human rights situation in South Africa until the appropriate mechanism was created for ensuring the true implementation of the rights of the South African majority population.

34. In his view, the Sub-Commission should analyse the extent to which national legislation in South Africa was being implemented, how South Africa's national economy could be transformed to help put an end to the racist regime, and how the racist ideology could be replaced by general human values. Once that was done, the mandate of the Special Rapporteur would be concluded, but that day still seemed far off.

35. Mr. CHERNICHENKO said that he did not think that Mr. Khalifa should discontinue his work, although perhaps the title of his reports and his mandate might be revised. Some major positive changes had occurred in South Africa, but it would be naïve to expect apartheid to disappear overnight. Apartheid had left a deep wound in South African society, especially psychologically; it had turned people into moral invalids.

Moreover, violence in South Africa was increasing. The Government was required to put an end to it, but it should be borne in mind that not all the violence stemmed from the State structures. Pressure was not the same as sanctions, which were a matter for the Security Council. In any case, measures against South Africa should be adapted to the situation obtaining there.

36. Racism was to be found not only in South Africa. Ethnic clashes were occurring in other parts of the world, including the former Soviet Union. In the Baltic States the human rights of Russian citizens were being violated on a scale similar to apartheid. Indeed, there was a danger that apartheid might reappear there under a different name. That situation ought to be discussed under agenda item 6.

37. Mrs. FORERO UCROS said that in the present delicate period of transition vigilance should be maintained in order to achieve the complete dismantlement of apartheid and to arrive at a multi-racial and democratic society in South Africa. In that process the Sub-Commission could not stand aside. Mr. Khalifa's reports were useful. She agreed with Mr. Joinet that they should be continued, but perhaps with some reorientation.

38. Mr. DAODE Zhan said that some political progress had been made in South Africa since the Sub-Commission's forty-third session, but there had also been frustrations. A start had been made on drafting a new constitution, but because of the rigid position adopted by the South African authorities and the violence, peace negotiations had been suspended. The Security Council had already taken up that situation. The elimination of apartheid and the establishment of real racial equality were still very difficult tasks, especially in economic and social areas such as housing, health and education. In any case it must be borne in mind that the changes that had occurred in South Africa in recent years were the result of the hard struggle waged by the ANC and other organizations and of the support given to them by the African States and the international community. The Sub-Commission should continue its efforts to urge the United Nations to maintain the measures designed to put an end to apartheid.

39. Mr. PHEKO (Observer, Pan-Africanist Congress of Azania) said that the apartheid regime was now committing naked genocide in South Africa through Buffalo Battalion 32, Koevoets mercenaries, RENAMO, Selous Scouts, Askaris and Black Cat Gangs. Over 34,000 African people had been killed since 1984, and over 12,000 of them since the De Klerk regime had come to power. Mr. De Klerk had called the genocidal violence taking place in South Africa "black-on-black" violence. He had claimed to be dismantling Buffalo Battalion 32 and the Koevoets after having flatly denied that there were any foreign mercenaries. Mr. De Klerk's own pathologist had made the shocking revelation that, in 200 autopsies that he had conducted on African people in police custody, 90 per cent of the detainees had been assaulted or murdered by the South African police. After the referendum of 17 March, Mr. De Klerk's Parliament had approved a military budget of 11,164 billion rand, 5 billion of which was being used for covert operations and was not subject to audit. White civilians in South Africa had over 2.5 million guns of all types.

40. Article 3 of the Universal Declaration on Human Rights stated that "Everyone has the right to life, liberty and security of person". The black majority in South Africa was entitled to that right. The right to life could not be of concern only when whites were being killed. The Pan-Africanist Congress (PAC) fully agreed with Tanzania's Ambassador to the United Nations that the meeting of the Security Council held on 15 July 1992 had been concerned with the tragic violence in South Africa and with who bore responsibility for it and what the international community must do to end it; it had not been concerned with the resumption of negotiations.

41. The whole purpose of negotiations was to secure the restoration, for the majority of South Africa's dispossessed people, of their fundamental rights, the foremost of which were their right to life and then to self-determination. The best constitution in the world was of no use to someone in the grave. Those who could not help to bring about fundamental change and destroy apartheid in South Africa must stop preaching democracy or the "new world order". Nobody had the right to ask black South Africans to negotiate with the racist colonialist regime at gunpoint.

42. There had been 49 massacres in South Africa since 1990. The object of the violence was to reduce the African population numerically and to destabilize PAC and other liberation movements. PAC members had been murdered, as well as members of ANC. However, the majority of those that had been killed in South Africa had not been affiliated to any political organization. They had been killed simply because they had been Africans.

43. Against the background of the massacre of thousands of Africans by the South African regime and the sterilization of African women and the spreading of AIDS in the African townships to reduce the African population, there was a massive recruitment of whites, especially from eastern European countries. Its purpose was to increase the white population of South Africa. PAC appealed to the Sub-Commission to adopt a resolution calling upon the South African Government not to recruit any more European immigrants until there was a new constitution and an elected majority Government in South Africa. Citizenship granted to immigrants under the 1983 apartheid Constitution still in operation was illegal and invalid.

44. The genocide of the African people had coexisted with a fraudulent apartheid creation called CODESA, which had served as a shield to murder black South Africans without the international community pointing a finger at the regime. The right to life must be protected in South Africa. It served no purpose for some members of the international community to insist on the resumption of the so-called negotiation process in the midst of genocide and the arming of the South African regime by certain countries, with adverse consequences for peace and security in Africa, especially for independent countries in southern Africa whose economic difficulties were now exacerbated by an unprecedented drought. Apartheid South Africa had over 200 atomic bombs, and was the only country in Africa with nuclear capability. Moreover, the signing of the Treaty on the Non-Proliferation of Nuclear Weapons by South Africa by no means guaranteed that such weapons would not be manufactured in South Africa.

45. The killings of African people by the South African regime, falsely called "black-on-black" violence, had been planned a long time previously. Its purpose had been stated by the Broederbond, a secret white organization which maintained that measures necessary to keep political control of the white man's future in his own hands must not disappear and that the numerical factor must be considered.

46. PAC had refused to sign the so-called National Peace Accord on 14 September 1991, arguing that, since the genocidal violence was orchestrated by the regime, to sign the Accord would be futile. No criminal could investigate his own crime. PAC had therefore requested the United Nations to establish an international commission to investigate the genocidal violence in South Africa with a view to bringing it to a speedy end. The Security Council had finally heeded the appeals by PAC for a discussion of the violence and had met on 15 and 16 July 1992. PAC also requested the verifiable expulsion of all mercenaries from South Africa under the supervision of a United Nations commission. It wished to express its gratitude to the Sub-Commission for its concern for human rights and hoped that appropriate resolutions reflecting the real situation in South Africa would be adopted so that the genocidal violence by the racist and colonialist regime could be stopped at once. The United Nations Convention on the Prevention and Punishment of the Crime of Genocide applied to all mankind, including Africans in South Africa.

47. Mr. OMAR (Observer, African National Congress), after expressing his appreciation of Mr. Khalifa's perceptive and accurate statement, said that, since a number of speakers had pinpointed the issue of violence, for which the South African regime was mainly responsible, and the destabilization policy being pursued by the regime, he would not comment on them further. The essential question was whether Mr. De Klerk and his Government were leading South Africa to a democratic order. The media in many countries created the impression that Mr. De Klerk was the custodian of democracy in South Africa. The record needed to be put straight in that regard.

48. At present the oppressed and exploited people in South Africa were engaged in unprecedented mass action. Over the past week millions of persons had responded to the call for mass action made by the African National Congress (ANC), and despite all the predictions of the regime and its allies in the business community the campaign had taken place in a disciplined and peaceful manner. A number of people had died, but quite clearly the deaths had been occasioned, not by those from the democratic movement, but by those who opposed the democratization of South Africa. The mass campaign and the struggle for democracy were being conducted against the De Klerk regime.

49. In an international setting in which Mr. De Klerk had been praised and his propaganda had found willing listeners, it was important that the reality be recognized. It should also be acknowledged that the changes that had been brought about since February 1990, including the legalization of ANC, PAC and other organizations, had come only as a result of the struggle waged by the oppressed majority in South Africa. If everything that had happened since that time was examined, it would be found that the De Klerk regime had only responded to the pressures brought to bear on it. It had never done anything on its own initiative. In the case of the corruption, the secret funding of surrogate forces, destabilization and the activities of hit squads, the response of the De Klerk regime had come about only as a result of exposures.

50. The view had been expressed that, while legal apartheid might have come to an end, the wounds of apartheid were still there and would take a long time to heal. The wounds of apartheid were of course deep, but apartheid itself was still alive in South Africa. In so far as the violence was concerned, it was noteworthy that the overwhelming majority of deaths had been caused by surrogates of the apartheid regime and by the police and security forces themselves. Therefore, as far as the general situation in South Africa was concerned, the Sub-Commission would be quite correct to make a similar assessment to that made by the Special Rapporteur - namely, that the De Klerk regime itself was the chief obstacle to democracy in South Africa.

51. Secondly, the process under way in South Africa had been described as "irreversible". However, it might legitimately be asked what constitutional and legal developments had taken place in South Africa to render it irreversible. He shared the view that absolutely nothing had taken place at the constitutional and legal levels to justify such an assertion.

52. Constitutionally, the South African Government ruled under the terms of the Republic of South Africa Constitution Act of 1983, which had brought into being the tricameral Parliament - an apartheid Parliament - and a Constitution that excluded the overwhelming majority of the people of South Africa. That Constitution remained in force.

53. The second pillar of the De Klerk regime was the homelands system. Since the 1950s the South African Government had created 10 black homelands, a policy condemned by the United Nations as an attempt to deny the people of South Africa its right to self-determination. In spite of the international community's refusal to recognize the four allegedly "independent" homelands, the South African Government continued to support the oppressive regimes in Ciskei and Bophuthatswana, and the system remained intact, the result being that the overwhelming majority of the people of South Africa had been deprived of its South African citizenship by law. Meanwhile, the De Klerk regime's proposals for a new Constitution sought to entrench white privilege and to ensure that the white veto remained. Thus, where the constitutional and legal position was concerned, nothing in South Africa was irreversible. If the process was in any way irreversible, that was attributable to the political determination of the oppressed, not to any efforts on the part of the De Klerk regime.

54. His organization asked three things of the Sub-Commission. First, it requested that all existing sanctions should be retained. Secondly, the list prepared by the Special Rapporteur should also be retained, and further updated, to ensure that the Sub-Commission did not send out the wrong signals to the world, to the De Klerk regime and to the enterprises concerned. Thirdly, the Sub-Commission must confront the central constitutional question, namely, who was to draw up the new Constitution. The answer must be, a constituent assembly elected by all the people of South Africa. Only such a body, affording the oppressed majority its first opportunity to express its right to self-determination, could legitimately draw up a new Constitution.

55. Mr. ZAHRAN (Observer for Egypt) said that the updated report by Mr. Khalifa (E/CN.4/Sub.2/1992/12 and Add.1) and the statements by experts and by representatives of national liberation movements confirmed the need to

secure respect for the human rights and political freedoms of all South Africa's citizens. Its Government must comply with recognized international law by doing away with the foundations and practices of apartheid so as to create a society in which all citizens enjoyed equal rights. At a number of regional meetings, especially their recent meeting in Dakar, the African countries had stressed the need to maintain sanctions against South Africa until such time as the democratic process was irreversibly consolidated.

56. Some progress had been made. However, recent internal developments, most notably the Boipatong massacre of 17 June 1992, called into question the future of the whole process of peaceful negotiation. It was imperative to re-establish a peaceful climate in which the stalled CODESA talks could be resumed.

57. Mr. Khalifa's study showed that, despite occasional shortcomings, the imposition of sanctions had played a major role in bringing economic, social and moral pressure to bear on South Africa. The international community should respond to progress in the democratization of South Africa by a gradual lifting of sanctions. It should use the Special Rapporteur's report and list as the basis for implementing the new approach advocated in Commission on Human Rights resolution 1992/20 which, pursuant to Sub-Commission resolution 1991/1, called upon the South African authorities to allow the Special Rapporteur to visit South Africa to assess the situation. Such a change in the Special Rapporteur's mandate would be an appropriate response to the current socio-economic circumstances in South Africa.

58. Mr. MULUGETA (Observer for Ethiopia) said that the updated report contained in document E/CN.4/Sub.2/1992/12 clearly demonstrated that, in spite of their impact on the economic activities of South Africa, financial and trade sanctions had not yet been fully effective. In foreign trade, for example, South Africa had continued to benefit from unrestricted market access in several countries.

59. It was true that South Africa had made great strides along the road to democracy in the previous two years. The unbanning of political organizations, the release of political prisoners and the scrapping of apartheid legislation constituted major positive developments. However, it was discouraging to note that those newly created favourable conditions were being used by some countries to promote their own interests through an erosion of international sanctions. His delegation strongly deplored all measures taken with a view to reducing the effectiveness of sanctions, and urged the countries concerned to refrain from taking such actions in the future. Ethiopia firmly believed that sanctions and pressures should be maintained and strengthened as a means of securing the desired changes. The establishment of an interim Government and the holding of democratic elections based on a new Constitution were the only guarantee that apartheid would be totally eradicated.

60. Despite the euphoria created in international circles by the announcement of the South African Government's reform policies in March 1992, the political situation in South Africa was still a source of grave concern to the world

community. The level of political violence had increased in scale and intensity, culminating in the Boipatong massacre of 17 June 1992 which had led to the suspension of constitutional talks aimed at ending white-minority rule. That massacre had not only posed a significant threat to the whole CODESA process, but had also seriously weakened the South African Government's resolve to implement its proposed reform policies in a timely manner. It had served no purpose other than to intensify suspicion of the Government's security forces and to add substance to the allegations of their complicity in the widespread killings. His delegation vehemently condemned the massacre and urged that its perpetrators should be brought to justice. It also welcomed Security Council resolution 765 (1992) regarding that incident. The appointment of a Special Representative of the Secretary-General would assist greatly in halting the political violence, a prerequisite for the resumption of negotiations. His delegation also hoped that the recommendations of the Special Representative and the report of the United Nations observer team would provide a lasting solution to the bloody and protracted political violence in that country.

61. Ethiopia remained committed to supporting the international efforts to secure a transition to a free, democratic and non-racial South Africa through peaceful negotiations. He was confident that, given the will and determination of the international community, it would not be long before the abhorrent system of apartheid was finally brought to an end.

62. Mr. KHOURY (Observer for the Syrian Arab Republic) said that the annual statements by Mr. Khalifa made a major contribution to exposing the practices of the racist regime in South Africa. His delegation had also listened with particular interest to the two statements by representatives of national liberation movements, which clearly demonstrated that the apartheid system was still in place.

63. It had been disclosed, at a special meeting on the situation in South Africa convened by the International Labour Organisation (ILO), two months previously, that 14 apartheid laws had still not been abolished. The current situation in South Africa could be viewed from two perspectives, the first of which would focus on the recent changes, while the second would place emphasis on the resultant situation, seek to determine whether the South African Government was still a racist regime, and, if so, determine what course should be taken by the Sub-Commission. The representatives of the national liberation movements had unambiguously called for a continuation of sanctions against South Africa, in accordance with the positions expressed at the ILO meeting. His delegation supported those positions, as well as those of States of the Organization of African Unity, as expressed by the observers for Egypt and Ethiopia. Syria saw the changes in South Africa as stemming from the heroic struggle by the liberating forces in South Africa from the support of other African States, and especially from the sacrifices made by the front-line States. It was regrettable that the international sanctions imposed had been eroded as a result of a lack of commitment by some States.

64. The Sub-Commission should now outline a strategy to support the liberation movement in its struggle to build a new, non-racist society in South Africa, founded on democracy, justice, peace and prosperity.

The meeting rose at 5.55 p.m.